

Rejection of claims 1 and 4-9 under 35 U.S.C. 102(e) or 35 U.S.C. 102(b) or under 35 U.S.C. 103(a) over Slavtcheff (U.S. Patent No. 5,747,022)

Slavtcheff discloses a composition for forming a cosmetic mask which comprises:

- (i) at least one polyvinyl alcohol polymer having a number average molecular weight ranging from about 5,000 to about 200,000; and
- (ii) A hydrophobically-modified acrylate or methacrylate polymer, the polyvinyl alcohol and hydrophobic acrylate or methacrylate polymer being present in a relative weight ratio from about 50:1 to about 1:1000.

The composition also contains water in an amount ranging from about 10% to about 70% as the primary vehicle for delivery of the film-forming polymer (see, column 4, lines 30-38), and even evaporative solvents such as monohydric C₁-C₃ alkanols in an amount ranging from about 5 to 50% by weight.

Therefore, this patent which discloses a composition containing a polyvinyl alcohol, does not disclose or suggest a composition which contains a self-adhesive hydrophobic polymer being non-ionic and non-water-swelling, which is selected from copolymers of the acrylic/vinyl type, and having an adhesiveness of between 150 and 800 g/m² after evaporation of the organic solvent, such as the composition of the claimed invention.

Moreover, Slavtcheff, which discloses a composition containing water in a large amount (at least 10%, and preferably at least about 30% by weight) does not disclose or suggest an anhydrous composition, such as the solution of the presently claimed invention, which is defined as being based on a self-adhesive hydrophobic polymer in an organic solvent medium and, further illustrated by example wherein none of the provided compositions contain water (see, examples 1-3 of the present patent application).

In summary, Slavtcheff, which discloses a cosmetic composition containing polyvinyl alcohol and at least 10% of water, does not disclose or suggest a solution for cosmetic use, based on a self-adhesive hydrophobic copolymer of the acrylic/vinyl type in an organic solvent medium.

Thus, Slavtcheff cannot affect the novelty or the inventive step of the subject matter of the presently claimed invention and withdrawal of the Section 102 and Section 103 rejections based on the same is requested.

Rejection of claims 1-9, 15 and 17 under 35 U.S.C. 103(a) over Slavtcheff et al. (U.S. Patent No. 5,484,597) in view of Lehmann et al. (U.S. Patent No. 5,730,999)

a) Slavtcheff et al.

Slavtcheff discloses a hydroalcoholic cosmetic microemulsion composition which includes:

- (i) from about 1 to about 99% water;
- (ii) from about 1 to about 99% of C₁-C₄ alkanol;
- (iii) from about 0.1 to about 20% of an oil selected from the group consisting of vitamin oils, C₁₀-C₆₀ terpenes and mixtures thereof;
- (iv) from about 0.1 to about 20% of castor oil ethoxylated with about 30 to about 55 of ethylene oxide per mole of castor oil; and
- (v) from about 0.1 to about 20% of C₄-C₂₀ mono- or dihydric alkanol propoxylated with about 5 to about 50 moles of propylene oxide per mole of alkanol.

This composition may be included in many product forms, such as pad-applied formulations and overnight peelable facial masks.

In particular embodiments, the hydroalcoholic microemulsion compositions are incorporated into a quick-drying gel or paste which forms a peelable facial mask, this product-form containing polyvinyl alcohol and a hydrophobic acrylate or methacrylate polymer.

Therefore, Slavtcheff, which disclose a hydroalcoholic microemulsion, do not disclose or suggest a solution only based on an organic solvent.

Moreover, Slavtcheff, which disclose a composition containing polyvinylalcohol and an acrylate or methacrylate polymer, do not disclose or suggest a composition based on a particular polymer which is a self-adhesive hydrophobic copolymer of the acrylic/vinylic type being non-ionic and non-water-swellaable.

Consequently, Slavtcheff do not disclose or suggest a colorless solution for cosmetic use, based on a self-adhesive hydrophobic copolymer of the acrylic/vinylic type in an organic solvent medium or, in other words, a solution as defined in claims 1-9 of the present patent application.

A fortiori, Slavtcheff, which do not disclose or suggest a solution such as the solution of claim 1 of the present patent application, obviously do not disclose or suggest a patch comprising a support impregnated with a sufficient amount of the solution of claim 1 which is the subject matter of claim 15, nor a device comprising the solution of claim 1 of the present patent application which is the subject matter of claim 17.

b) Lehmann et al.

Lehmann disclose a dermal therapeutic system which exhibits a prolonged or delayed (see, column 2, lines 66-67) release of a drug comprising at least one melt coated layer of at least one pharmaceutical agent and a mixture of poly(meth)arylate polymers onto a support of a foil, textile or paper.

Therefore, Lehman do not disclose or suggest a colorless solution.

A fortiori, they do not disclose or suggest a colorless solution for cosmetic use, based on a self-adhesive hydrophobic copolymer of the acrylic/vinylic type in an organic solvent medium.

Obviously, Lehman does not disclose or suggest a device comprising a colorless solution based on a self-adhesive hydrophobic copolymer of the acrylic/vinylic type in an organic solvent, nor a patch comprising a support impregnated with a sufficient amount of the peculiar solution of the invention and, *a fortiori*, such a patch intended for an instantaneous cleansing and care of the skin, since the system of Lehmann is directed to exhibit a prolonged or delayed release of a drug.


It results from the above that neither Slavtcheff nor Lehmann, taken separately or together, disclose or suggest a colorless solution for cosmetic use, based on a self-adhesive hydrophobic copolymer of the acrylic/vinylic type in an organic solvent medium, nor a patch for instantaneous cleansing and care of the skin, comprising a support impregnated with such a solution, or a device comprising such a solution.

Consequently, neither Slavtcheff nor Lehmann, taken alone or in combination, can affect the inventive step of the subject matter of the claimed invention and withdrawal of the Section 103 rejection of claims 1-9, 15 and 17 is requested.

In view of the above, the claims are submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

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